

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In Re:

E.D.N.Y. Bankruptcy Case

LESSNO, LLC,

Case No. 09-44979 (ESS)

Debtor.

Involuntary Chapter 7 Proceedings

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E.D.N.Y. Case

No. 13-CV-00831 (JBW)

**ORDER VACATING THE DISMISSAL OF THE DEBTOR'S CHAPTER 7 CASE
AND REMANDING FOR CLARIFICATION**

WHEREAS Tally M. Wiener, Esq. timely appealed the *Order Dismissing Chapter 7 Case and Marking the Motion to Compel and the Motion to Strike Off the Calendar* entered by the United States Bankruptcy Court for the Eastern District of New York (the "Bankruptcy Court") on the 14th day of December, 2012 [Docket No. 147] (the "Dismissal Order"); and

WHEREAS the appeal sought, among other things, review of the Bankruptcy Court's dismissal of the involuntary Chapter 7 proceedings of Lessno, LLC (the "Debtor" or the "Appellee"), an insolvent company owned and controlled by New Europe Venture Equity ("Neveq"), prior to the Debtor or Neveq paying Miss Wiener the allowed administrative expense in the principal amount of \$46,451.00 awarded to her pursuant to the *Order Allowing Administrative Expense* entered by the Bankruptcy Court on the 14th day of December, 2012 [Docket No. 146] prior to entry of the Dismissal Order; and

WHEREAS after reviewing the submissions of Miss Wiener and the Debtor, this Court held a hearing on the 13th day of June 2013, during which it considered the arguments of counsel.

IT IS ORDERED that the Dismissal Order is vacated and that this matter be remanded to the Bankruptcy Court for clarification of the precise terms of payment to Miss Wiener of her allowed administrative expense together with interest and attorneys fees associated therewith, and for consideration of the other issues raised by Miss Wiener in her appeal, and

IT IS FURTHER ORDERED in accordance with Federal Rule of Bankruptcy Procedure 8014 that the Appellee shall pay to Miss Wiener costs incurred by her in bringing this appeal in the amount of \$857.50 within seventy-two (72) hours of entry of this Order, and

IT IS FURTHER ORDERED that the undersigned United States District Judge shall exercise jurisdiction over any other and further appeals concerning implementation of the Order Allowing Administrative Expense or the Dismissal Order.

Jack B. Weinstein
United States District Judge

Dated: July __, 2013
Brooklyn, N.Y.